

Application No. 10/816,114
AMENDMENT B dated July 10 2006
Reply to Office Action of February 10, 2006

carrying heat transfer fluid into and out of the housing so that desired temperature may be maintained in the housing during testing of the specimen.

REMARKS

Upon entry of this Amendment, claims 11-14 and 17-32 are pending in the above-captioned application.

In the Office Action dated February 10, 2006, (hereinafter "the Office Action"), claims 11-14 were rejected under § 102(b) as being anticipated by U.S. Patent No. 3, 710,251 issued to Hagge et al. (hereinafter "Hagge"). Applicant respectfully traverses this rejection for the reasons stated herein and respectfully request reconsideration and allowance of claims 11-14 and 17-32.

I. Amendments to the Claims

Initially, Applicant notes that claim 11 has been amended to clarify that the housing defines "a vacuum chamber" having an interior space within which a specimen is placed for testing. Support for this amendment may be found throughout the instant application and, in particular, on page 8, line 23 to page 9, line 11; page 15, lines 10 to 18; and page 18, lines 4 to 19; page 74, line 26 to page 76, line 12; and FIG. 21.

Claims 12 and 14 have been amended to reflect the amendment made to claim 11 and to correct grammar. Support for this amendment may be found throughout the application and, in particular, on page 8, line 23 to page 9, line 11; page 15, lines 10 to 18; and page 18, lines 4 to 19; page 74, line 26 to page 76, line 12; and FIG. 21. The amendments to claims 12 and 14 are neither narrowing amendments nor amendments made for purposes of patentability. Thus, no equivalences are intended to be surrendered by the making of these amendments.

Applicant submits that no new matter has been added by way of these amendments.

II. *Claim Rejections Under 35 U.S.C. §102(b)*

Claims 11-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hagge. Applicant respectfully traverses the rejection under § 102(b) because Hagge does not disclose does not disclose each and every limitation of the claims.

More particularly, Hagge does not disclose “a housing defining a vacuum chamber having an interior space within which a specimen is placed for testing”, as called for in amended claim 11. Rather, Hagge discloses a conventional probe station having a heat exchanger pedestal structure (10) that operates as a thermal vacuum chuck (15) capable of suctioning the circuit (11) to the upper surface (14) of chuck (15) via the vacuum source (*see* Hagge, col. 4:lines 33-67, col. 5:lines 62-67, and col. 14:lines 29-33), and altering the temperature at which the circuit (11) is tested by way of heating or cooling the chuck (15) via the heat exchanger (10) (*see* Hagge, col. 6:line 32 to col. 9: line 4). Thus, the vacuum chamber of Hagge, which is defined by the heat exchange bottom plate 17, the flexible enclosure member 39 and the center tubular member 40 (*see* Hagge, col. 5:lines 39-61), is located below the specimen or circuit (11), like all conventional vacuum chucks, and does not have an interior space within which the specimen is placed for testing, as called for in amended claim 11.

An additional reason the circuit (11) is not placed in the vacuum chamber in Hagge, but rather rests on top of the vacuum chamber, is so that dry nitrogen can flow over the circuit (11) to protect the circuit (11) with an inert cover atmosphere from oxidization damage at high temperatures or frost at low temperatures. (*See* Hagge, col. 5:line 62 to col.6:line 15 and col. 8:lines 28-61).

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Applicant notes that Hagge does not only fail to disclose each and every element of the claims, but also teaches away from Applicant's invention in that it suggest the use of the heat exchanger pedestal structure (10) as a vacuum chuck. (See Hagge, col. 4:lines 33-67; col. 5:lines 62-67; and col. 14:lines 29-33). Such a suggestion teaches away from Applicant's invention in that a vacuum chuck cannot be used in a vacuum chamber (*i.e.*, a vacuum cannot operate within another vacuum). (See Applicant's Application, page 13, lines 5-9).

Thus, Applicant submits that amended claim 11 is not anticipated by Hagge for all of the above-mentioned reasons. Furthermore, claims 12-14 depend from claim 11 and, thus, include each and every limitation thereof. Thus, Applicant submits that claims 12-14 are not anticipated by Hagge for the same reasons as claim 11.

Applicant respectfully requests reconsideration and allowance of claims 11-14.

III. New Claims

As stated above, new claims 17-32 have been added herein for examination. Applicant submits that new claims 17-32 are supported by the specification, as originally filed and that no new matter has been added. Support for these claims may be found throughout the application and, in particular, on page 7, line 21 to page 87, line 27, and FIGS. 1-27.

Applicant submits that new claims 17-32 recite subject matter which is novel and non-obvious in view of the prior art of record and, therefore, should be in condition for allowance. Consideration and allowance of these claims is respectfully requested.

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IV. Conclusion

In light of the foregoing amendments and remarks, Applicant believes that all stated grounds of rejection have been properly traversed, accommodated, or rendered moot and, the current application should be in condition for allowance. Additionally, Applicant respectfully asserts that each of the pending claims are non-obvious because none of the references of record teach, suggest or disclose, alone or in combination, each and every element of the claims. Thus, prompt and favorable consideration of this amendment is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,
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